



EXPRESS MAIL NO. EV336652109US

Attorney Docket No. 690022.527C4

# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: 301-231-5519 or 231-5532 • FAX: 301-816-4366

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

## INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

NeoRx Corporation  
Attn: Paul Abrams  
410 W. Harrison  
Seattle, WA 98119

Deposited on Behalf of: NeoRx Corporation

Identification Reference by Depositor:

ATCC Designation

Cell line NR-LU-13

CRL-12360

The deposit was accompanied by: \_\_\_ a scientific description \_\_\_ a proposed taxonomic description indicated above.

The deposit was received May 23, 1997 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested June 20, 1997. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: July 2, 1997

cc: Richard G. Sharkey (Ref. Docket 690022.527PC)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Scott S. Graves, John M. Reno, Robert W. Mallett,  
Mark D. Hylarides, Stephen M.J. Searle, Andrew H. Henry,  
Jan T. Pedersen and Anthony R. Rees

Application No. : 08/871,488

For : HUMANIZED ANTIBODIES THAT BIND TO THE ANTIGEN  
BOUND BY ANTIBODY NR-LU-13 AND THEIR USE IN  
PRETARGETING METHODS

Docket No. : 690022.527C1

Assistant Commissioner for Patents  
2011 Jefferson Davis Highway  
Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints RICHARD W. SEED, Registration No. 16,557; ROBERT J. BAYNHAM, Registration No. 22,846; EDWARD W. BULCHIS, Registration No. 26,847; GEORGE C. RONDEAU, JR., Registration No. 28,893; DAVID H. DEITS, Registration No. 28,066; WILLIAM O. FERRON, JR., Registration No. 30,633; PAUL T. MEIKLEJOHN, Registration No. 26,569; DAVID J. MAKI, Registration No. 31,392; RICHARD G. SHARKEY, Registration No. 32,629; DAVID V. CARLSON, Registration No. 31,153; MAURICE J. PIRIO, Registration No. 33,273; KARL R. HERMANN, Registration No. 33,507; DAVID D. McMASTERS, Registration No. 33,963; ROBERT IANNUCCI, Registration No. 33,514; JOSHUA KING, Registration No. 35,570; MICHAEL J. DONOHUE, Registration No. 35,859; CHRISTOPHER J. DALEY-WATSON, Registration No. 34,807; STEVEN D. LAWRENZ, Registration No. 37,376; ROBERT G. WOOLSTON, Registration No. 37,263; ELLEN M. BIERMAN, Registration No. 38,079; BRYAN A. SANTARELLI, Registration No. 37,560; CAROL NOTTENBURG, Registration No. 39,317; CRAIG S. JEPSON, Registration No. 33,517; PAUL T. PARKER, Registration No. 38,264; JOHN C. STEWART, Registration No. 40,188; ROBERT W. BERGSTROM,

Registration No. 39,906; DAVID W. PARKER, Registration No. 37,414; ROBERT E. MATES, Registration No. 35,271; BRIAN G. BODINE, Registration No. 40,520; FRANK ABRAMONTE, Registration No. 38,066; E. RUSSELL TARLETON, Registration No. 31,800; FREDERICK M. FLIEGEL, Registration No. 36,138; JAN C. L. MAXWELL, Registration No. 41,181; THOMAS L. EWING, Registration No. 34,328; CLIFTON G. GREEN, Registration No. 41,044; and PHILLIP B. C. JONES, Registration No. 38,195, comprising the firm of SEED AND BERRY LLP, 6300 Columbia Center, Seattle, Washington 98104-7092; along with ANNA LEWAK WIGHT, Registration No. 33,006, NeoRx Corporation, 410 West Harrison, Seattle, Washington 98119, as its attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls to RICHARD G. SHARKEY at (206) 622-4900 and telecopies to (206) 682-6031.

Please direct all communications to:

Richard G. Sharkey  
Seed and Berry LLP  
6300 Columbia Tower  
701 Fifth Avenue  
Seattle, Washington 98104-7092

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to NEORX CORPORATION filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

NEORX CORPORATION  
ASSIGNEE

December 18, 1997

DATE

(Name)

  
John M. Reno

(Title)

Vice-President of Research & Development

Enclosure:

Copy of Assignment

KP/5249/1

PATENT

I hereby certify that on the date specified below, this correspondence is being transmitted, via facsimile, to the Commissioner for Patents, Attention: Examiner Minh-Tam Davis, Washington, DC 20231.

August 22, 2001  
Date

M. A. Scarlett  
Millicent A. Scarlett

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Scott S. Graves et al.  
Application No. : 08/871,488  
Filed : June 9, 1997  
For : HUMANIZED ANTIBODIES THAT BIND TO THE ANTIGEN  
BOUND BY ANTIBODY NR-LU-13 (AS AMENDED)

Examiner : Minh-Tam B. Davis  
Art Unit : 1642  
Docket No. : 690022.527C1  
Date : August 22, 2001

Commissioner for Patents  
Washington, DC 20231

DECLARATION OF DEPOSIT

Commissioner:

I, Richard G. Sharkey, hereby declare as follows.

1. I am the attorney of record for Applicants in the above-identified patent application.
2. Applicants' deposited cell line NR-LU-13 (a chimeric hybridoma), was accepted for deposit on May 23, 1997 at ATCC (American Type Culture Collection, now having an address of 10801 University Boulevard, Manassas, Virginia 2010-2209, and formerly of 12301 Parklawn Drive, Rockville, Maryland 20852, U.S.A.) under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure.
3. The deposited cell line was accorded the accession designation CRL-12360.

4. The cell line has been deposited under conditions that assure that access to the cell line will be available under the pendency of the above-identified patent application to one determined by the Commissioner for Patents and Trademarks to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

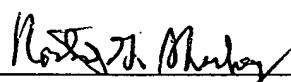
5. All restriction on the availability to the public of the deposited cell line will be irrevocably removed upon the issuance of a patent from the above-identified patent application.

6. The deposited cell line will be replaced if viable samples cannot be dispensed by ATCC.

7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC



  
\_\_\_\_\_  
Richard G. Sharkey, Ph.D.  
Registration No. 32,629

Millicents/208473

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Scott S. Graves, John M. Reno, Robert W. Mallett,  
Mark D. Hylarides, Stephen M.J. Searle, Andrew H. Henry,  
Jan T. Pedersen and Anthony R. Rees

Application No. : 08/871,488

For : HUMANIZED ANTIBODIES THAT BIND TO THE ANTIGEN  
BOUND BY ANTIBODY NR-LU-13 AND THEIR USE IN  
PRETARGETING METHODS

Docket No. : 690022.527C1

Assistant Commissioner for Patents  
Washington, DC 20231

SUPPLEMENTAL DECLARATION

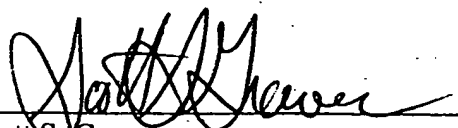
As the below-named inventors, we declare that:

Our residences, post office addresses, and citizenships are as stated below under our names.

We have reviewed and understand the contents of the foregoing specification, including the claims, and we believe we are the original, first and joint inventors of the invention entitled "HUMANIZED ANTIBODIES THAT BIND TO THE ANTIGEN BOUND BY ANTIBODY NR-LU-13 AND THEIR USE IN PRETARGETING METHODS," which is described and claimed in the specification and claims of United States Patent Application No. 08/871,488, which we filed in the United States Patent and Trademark Office on June 9, 1997 and for which a patent is sought. This application is a continuation-in-part of U.S. Patent Application No. 08/660,362, filed June 7, 1996 and abandoned; which application is incorporated by reference in its entirety and to which we claim the benefit under 35 U.S.C. § 120.

We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a), including material information which became available between the filing date of the first filed application listed above and the continuation-in-part application listed above.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

  
\_\_\_\_\_  
Scott S. Graves.

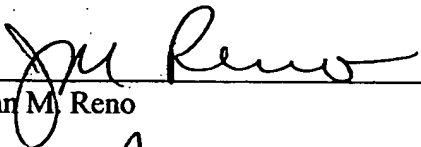
Date May 2, 2000

Residence : City of Monroe, County of Snohomish  
State of Washington

Citizenship : United States of America

P.O. Address : 23302 171st Avenue S.E.  
Monroe, Washington 98272



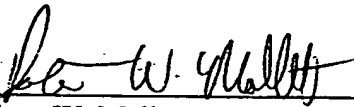
  
\_\_\_\_\_  
John M. Reno

Date April 17, 2K

Residence : City of Brier, County of Snohomish  
State of Washington

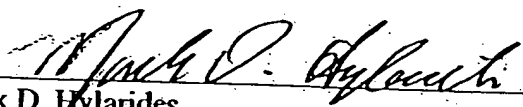
Citizenship : United States of America

P.O. Address : 2452 Elm Drive  
Brier, Washington 98036

  
\_\_\_\_\_  
Robert W. Mallett

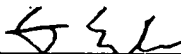
Date 9/3/00

Residence : City of Everett, County of Snohomish  
State of Washington  
Citizenship : United States of America  
P.O. Address : 14216 61st Avenue S.E.  
Everett, Washington 98208

  
Mark D. Hyland

Date 5-2-00

Residence : City of Stanwood, County of Skagit  
State of Washington  
Citizenship : United States of America  
P.O. Address : 21728 50th Avenue N.W.  
Stanwood, Washington 98292

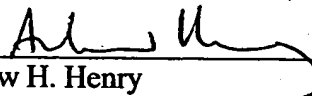
  
\_\_\_\_\_  
Stephen M.J. Searle

Date 12/05/00

Residence : City of Cambridge  
County of Cambridgeshire

Citizenship : United Kingdom

P.O. Address : 6 Angus Close  
Devonshire Road  
Cambridge  
CB1 2AT  
UNITED KINGDOM

  
\_\_\_\_\_  
Andrew H. Henry

Date

12<sup>th</sup> June 2000

Residence

: City of Ely  
County of Cambridgeshire

Citizenship

: United Kingdom

P.O. Address

: 33 Chapel Street  
Ely, Cambridgeshire  
CB6 1AD  
UNITED KINGDOM

  
\_\_\_\_\_  
Jan T. Pedersen

Date

15/5/2000

Residence : City of Bronshøj  
County of Copenhagen

Citizenship : Denmark

P.O. Address : Holck's Plads 14, 1  
2700 Bronshøj  
DENMARK

*AN*

Anthony R. Rees

Date 15.6.00

Residence : City of St. Chaptes  
Province of Provence

Citizenship : United Kingdom

P.O. Address : Mas de la Font  
Casteinau-Valence  
30190 St. Chaptes  
FRANCE

ASSIGNMENT

WHEREAS, we, Scott S. Graves, John M. Reno, Robert W. Mallett, Mark D. Hylarides, Stephen M.J. Searle, Andrew H. Henry, Jan T. Pedersen and Anthony R. Rees (hereinafter referred to as ASSIGNORS), having post office addresses of: 23302 171st Avenue S.E., Monroe, Washington 98272; 2452 Elm Drive, Brier, Washington 98036; 14216 61st Avenue S.E., Everett, Washington 98208; 21728 50th Avenue N.W., Stanwood, Washington 98292; Stephen M.J. Searle, Highworth, Stockers Hill Road, Rodmersham Green, Sittingbourne, Kent, ME9 0PL, United Kingdom; 4 Fennel Way, Abingdon, Oxon, OX14 3TL, United Kingdom; 9824 Mahogany Drive #208, Gaithersburg, Maryland 20878; and The Hermitage, Sharpstone, Freshford, Bath, BA3 6DA, United Kingdom, respectively, are the joint inventors of an invention entitled "HUMANIZED ANTIBODIES THAT BIND TO THE ANTIGEN BOUND BY ANTIBODY NR-LU-13 AND THEIR USE IN PRETARGETING METHODS," as described and claimed in the specification forming part of an application for United States letters patent executed herewith.

WHEREAS, NeoRx Corporation (hereinafter referred to as ASSIGNEE), a corporation of the State of Washington having a place of business at 410 West Harrison, Seattle, Washington 98119, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

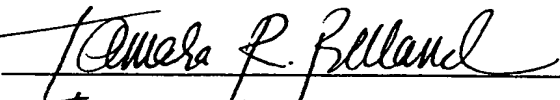


Dec. 18, 1997  
Date

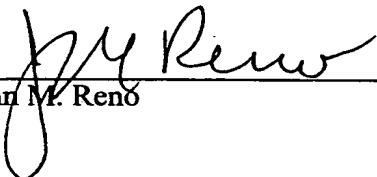
  
Scott S. Graves

State of Washington )  
County of King ) ss.

I certify that I know or have satisfactory evidence that Scott S. Graves is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

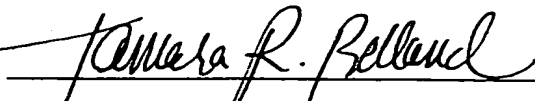
Dated December 18, 1997  
Signature of Notary Public   
Printed Name TAMARA R. BELLAND  
My appointment expires 11/11/01

12/18/97  
Date

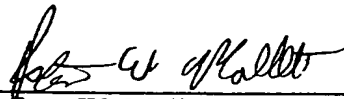
  
John M. Reno

State of Washington )  
County of King ) ss.

I certify that I know or have satisfactory evidence that John M. Reno is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

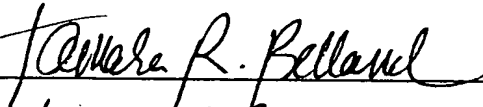
Dated December 18, 1997  
Signature of Notary Public   
Printed Name TAMARA R. BELLAND  
My appointment expires 11/11/01

12-18-97  
Date

  
Robert W. Mallett

State of Washington )  
County of King ) ss.

I certify that I know or have satisfactory evidence that Robert W. Mallett is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

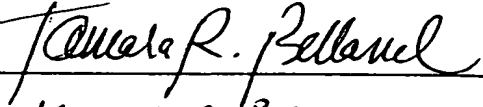
Dated December 18, 1997  
Signature of Notary Public   
Printed Name TAMARA R. BELLAND  
My appointment expires 11/11/01

12-18-97  
Date

  
Mark D. Hylarides

State of Washington )  
County of King ) ss.

I certify that I know or have satisfactory evidence that Mark D. Hylarides is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated December 18, 1997  
Signature of Notary Public   
Printed Name TAMARA R. BELLAND  
My appointment expires 11/11/01

7/1/98  
Date

Stephen M. J. Searle  
Stephen M.J. Searle

STATEMENT BY WITNESS

I, Pnina Dauber-Osguthorpe, was personally present and did see Stephen M.J. Searle, who is known to me, execute the above assignment and acknowledge it to be his free and voluntary act for the uses and purposes mentioned in the assignment.

Dated 7/1/98

Signature of  
Witness Pnina Dauber-Osguthorpe

Printed Name PNINA DAUBER-OSGUTHORPE

19th December 1997  
Date

Andrew H. Henry  
Andrew H. Henry

STATEMENT BY WITNESS

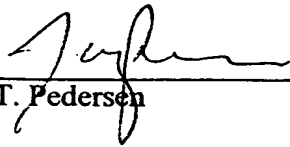
I, STEPHEN LITTLE, was personally present and did see Andrew H. Henry, who is known to me, execute the above assignment and acknowledge it to be his free and voluntary act for the uses and purposes mentioned in the assignment.

Dated 19th 12th 1997

Signature of  
Witness Stephen Little

Printed Name STEPHEN LITTLE

2-21-98  
Date

  
Jan T. Pedersen

State of Maryland                    )  
County of Montgomery            )    ss.

I certify that I know or have satisfactory evidence that Jan T. Pedersen is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

Signature of  
Notary Public \_\_\_\_\_

Printed Name \_\_\_\_\_

My appointment expires \_\_\_\_\_

29 December 1997  
Date

XAR  
Anthony R. Rees

STATEMENT BY WITNESS

I, Marianne Stahl-Rees, was personally present and did see Anthony R. Rees, who is known to me, execute the above assignment and acknowledge it to be his free and voluntary act for the uses and purposes mentioned in the assignment.

Dated 29 December 1997

Signature of  
Witness Marianne Stahl-Rees

Printed Name MARIANNE STAHL-REES